

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1174

To amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1993

Mr. OBERSTAR (for himself and Mr. CLINGER) introduced the following bill;  
which was referred to the Committee on Post Office and Civil Service

---

## A BILL

To amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Traffic Supervisor  
5 Retirement Reform Act of 1993”.

### 6 **SEC. 2. AMENDMENTS.**

7 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
8 8331 of title 5, United States Code, is amended—

1 (1) by striking “and” at the end of paragraph  
2 (25);

3 (2) by striking the period at the end of para-  
4 graph (26) and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(27) ‘air traffic controller’ or ‘controller’  
7 means—

8 “(A) a controller within the meaning of  
9 section 2109(1); and

10 “(B) a civilian employee of the Depart-  
11 ment of Transportation or the Department of  
12 Defense holding a supervisory, managerial, ex-  
13 ecutive, technical, semiprofessional, or profes-  
14 sional position for which experience as an air  
15 traffic controller (as defined by section  
16 2109(1)) is a prerequisite.”

17 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—  
18 Section 8401 of title 5, United States Code, is amended—

19 (1) by striking “and” at the end of paragraph  
20 (31);

21 (2) by striking the period at the end of para-  
22 graph (32) and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(33) ‘air traffic controller’ or ‘controller’  
25 means—

1           “(A) a controller within the meaning of  
2           section 2109(1); and

3           “(B) a civilian employee of the Depart-  
4           ment of Transportation or the Department of  
5           Defense holding a supervisory, managerial, ex-  
6           ecutive, technical, semiprofessional, or profes-  
7           sional position for which experience as an air  
8           traffic controller (as defined by section  
9           2109(1)) is a prerequisite.”

10 **SEC. 3. EFFECTIVE DATE; CLARIFYING PROVISIONS.**

11       (a) **EFFECTIVE DATE.**—This Act and the amend-  
12       ments made by this Act shall take effect on the 60th day  
13       following the date of enactment of this Act.

14       (b) **CLARIFYING PROVISIONS.**—

15           (1) **MANDATORY SEPARATION.**—Nothing in sec-  
16       tion 8335(a) or section 8425(a) of title 5, United  
17       States Code, shall be considered to apply with re-  
18       spect to an individual holding a position of air traf-  
19       fic controller (as defined by section 8331(27)(B) or  
20       section 8401(33)(B) of title 5, United States Code)  
21       who was first appointed to any such position before  
22       the effective date of this Act.

23           (2) **CREDITABILITY OF EARLIER SERVICE.**—For  
24       purposes of determining eligibility for an annuity  
25       under section 8336(e) or section 8412(e) of title 5,

1 United States Code, based on a separation occurring  
2 on or after the effective date of this Act (including  
3 for purposes relating to a survivor annuity based on  
4 a death in service occurring on or after such effective date), service as an air traffic controller (as defined by section 8331(27)(B) or 8401(33)(B) of  
5 such title, as applicable) may not be considered  
6 noncreditable solely on account of its having been  
7 performed before such effective date.  
8  
9

○